



**CITY COUNCIL AND PLANNING &  
ZONING COMMISSION JOINT  
WORK SESSION**

**RECREATION CENTER  
150 SOUTH 6TH STREET  
COTTONWOOD, ARIZONA**

Tuesday, March 8, 2022

6:00 PM

[cottonwoodaz.gov](http://cottonwoodaz.gov)

- I. CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR DISCUSSION, CONSIDERATION AND POSSIBLE DIRECTION TO STAFF: Comments regarding items listed on the agenda are limited to a 3 minute time period per speaker.

DISCUSSION, CONSIDERATION AND POSSIBLE DIRECTION TO STAFF REGARDING A PROPOSED REZONING OF APPROXIMATELY 11.63 ACRES OF LAND NEAR THE INTERSECTION OF SILVERADO DRIVE AND RODEO DRIVE FROM C-2 (HEAVY COMMERCIAL) TO PAD (PLANNED AREA DEVELOPMENT) TO ACCOMMODATE A PROPOSED 152-UNIT RESIDENTIAL APARTMENT PROJECT.

IV. ADJOURNMENT

Pursuant to A.R.S. §38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. §38-431.03.(A)(3) and/or A.R.S. §38-431.03(A)(4) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9 , subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

City of Cottonwood, Arizona  
Agenda Communication



Meeting Date: March 8, 2022  
Subject: Proposed rezoning of approximately 11.63 acres of land located near the intersection of Rodeo and Silverado Drives to allow for the development of a proposed 152-unit residential apartment complex.  
Department: Community Development  
From: Scott Ellis

**REQUESTED ACTION**

Discussion, consideration and possible direction to staff regarding the possible rezoning of an approximately 11.63 acre parcel of land at the intersection of Rodeo and Silverado Drives, currently zoned C-2 (Heavy Commercial), to PAD (Planned Area Development) to allow for the development of a proposed 152-unit residential apartment complex.

**SUGGESTED MOTION**

N/A. Discussion and direction only.

**BACKGROUND**

The subject parcel was annexed into the City in October 2002 by Ordinance 417. County zoning of R1L-35 was in place until May 2005 when the City changed the zoning to C-2 with Ordinance 463, which had a non-specific, conceptual site plan associated with it, and included additional stipulations regarding future development of the property, including a site-wide development ceiling of 3386 feet above sea level. These stipulations were adopted due to concerns expressed by neighboring property owners to the west of the subject site. The Planning & Zoning Commission met in February and March of 2005 to discuss the proposed rezone, and heard input from the neighboring property owners (minutes attached).

In July 2021, Miramonte approached City staff with a proposal to develop the site. The proposed development consists of a total of 152 one, two, and three-bedroom apartments in 38 two-story buildings, along with a separate community center. The current zoning would allow for development of this project with a Conditional Use Permit from the Planning & Zoning Commission and subject to R-3 development standards - which include a 35-foot height limitation, with greater height potentially allowable with a CUP. However, the developer has indicated that some of the stipulations adopted as part of Ordinance 463, including the 3386' height ceiling mentioned above, would make the project considerably more difficult and expensive to construct. Because of this, the applicant asked for the opportunity to present its proposed project to the Council and Commission before deciding whether to seek to rezone the property to a PAD, including the removal of that elevation-based height ceiling along with some of the other existing development restrictions before deciding whether and how to proceed.

COST/FUNDING SOURCE

N/A

ATTACHMENTS

[050228 pzminutes.pdf](#)

[050321 pzminutes.pdf](#)

[Ord463.pdf](#)

[Silverado Map.pdf](#)

[Silverado Lofts- Updated .pptx](#)



# Minutes of the Planning and Zoning Commission Meeting

Held February 28, 2005 6:00 p.m. at the  
City of Cottonwood Council Chambers  
826 North Main Street, Cottonwood, Arizona

## Item # 1 - Call to Order

Chairperson Gillespie called the meeting to order at 6:00 p.m.

## Item # 2 - Roll Call

Chairperson Gillespie	Present
Vice Chairperson Fisher	Present
Commissioner Kiyler	Present
Commissioner Kevin	Present
Commissioner Bartmus	Present
Commissioner Kiland	Present
Commissioner Mazzuchelli	Present

## Staff Present:

Jerry Owen, Community Development Director  
George Gehlert, Long Range Planner  
Colin Phipps, Neighborhood Planner  
Carol Hulse, Administrative Secretary

## Public Present:

See attached.

## Item #3 - Consideration of minutes from the January 24, 2005 Commission meeting.

**Commissioner Kevin moved to accept the minutes as written. Commissioner Kiyler seconded the motion and it passed unanimously.**

## Item #4 - PCU 05-009. Consideration of new Conditional Use Permit for an automotive service facility and outdoor storage in a "C-1" (Light Commercial) zone. The parcel is located at 1151 E 89A. APN 406-05-036P.

Mr. Gehlert presented the staff memo.

This is a request for a new Conditional Use Permit for an auto service facility located on a  $\frac{3}{4}$ -acre parcel in a C-1 (light commercial) zone, along the south side of East 89A, just east of the 10<sup>th</sup> Street intersection. Areas to the north, east and west are also zoned C-1. Areas to the south are zoned AR-43 (agricultural / residential). The southernmost 10-11 feet of this property is also zoned AR-43.

A Conditional Use Permit for an auto service facility was first approved for this property as PCU 255 in 1995 for Southwest Transmission. A Certificate of Occupancy was issued for the facility on 1996. The facility includes a 4,725 sq.ft. service garage and office; associated parking area; and a screened outdoor storage area of 4,761 sq.ft. Review of the CUP was tabled in 1996, 1998 and in 2003 due to issues regarding primarily incomplete landscaping and residential buffering to the rear. The following is a summary of issues:

- Landscaping / Residential buffering:** The front of the property is immaculate and features an abundance of landscaping. However, landscaping at the rear remains incomplete, where the commercial use borders residentially zoned property. The (prior owner) applicant was asked to provide a landscaping plan for the rear of the site, which overlaps onto residentially zoned property. However, the issue was complicated by the unknown status of a 35 foot strip of property (zoned AR-43) that had been added to rear of the property in 1995 following a new survey. Previously this was to be incorporated into the landscaping plan. However, the 35 foot strip has since been sold to the neighboring car dealer to the east. The zoning ordinance typically requires a 6-foot block wall between commercial and residential uses. Perhaps because of the overlap of residential zoning across the southern part of the property, a landscaping plan was encouraged in combination with the screened storage area (as an alternative to the typical perimeter wall). Although the original site plan designates the rear area as “landscaped,” no other details were provided. Presently, it is surfaced with gravel and doubles as a turnaround area. *Pyrocantha* plantings have also been added in combination with the screened outdoor storage area enclosure.
- Need for a shared access agreement:** The facility shares access along SR 89A with Allan’s Used Cars. The current owner has provided a copy of the shared access agreement.
- Unscreened outdoor storage:** The prior owner routinely stored vehicles all over the lot outside of any screened enclosure. They have been removed. All outdoor storage now occurs within the screened area at the rear.
- Lighting:** Staff also notes that lighting placed on the building does not meet code requirements. Pole lighting was stipulated by the Commission in 1995. Unshielded pack lights have been placed instead by a prior owner.

### **RECOMMENDATION:**

The applicant recently purchased the property. As the original stipulations had not yet been fully addressed, the original Conditional Use Permit is technically not transferable. Therefore, this application has been characterized as a new Conditional Use Permit. However, as this property has been developed for many years as an auto service facility, staff would like to encourage approval of this request on a permanent basis. Only the issue of how to address buffering of residential areas to the rear remains unresolved. The current owner maintains that this area is composed of solid rock and very difficult to landscape. He would prefer

to leave it as a turnaround area. In the interest of making the CUP permanent, the Commission might consider requiring the six (6) foot high masonry wall. The applicant might even consider a Variance application for the purpose of adjusting the C-1 zoning boundary southward to the edge of the property.

Staff recommends approval on a permanent basis subject to the following:

1. Replacement of outdoor lighting fixtures with shielded fixtures that meet code requirements.
2. Placement of a six (6) foot block wall along property boundaries which adjoin residentially zoned properties.

Vice Chairperson Fisher asked if the property owner agrees with the stipulations. Mr. Gehlert informed the Commission members that the applicant's notification letter was returned by the post office today and he called the applicant. Mr. Gehlert said that, although the applicant is present, he is here "cold" (with little warning or knowledge of the staff memo).

Mr. Heitzman said that the person adjacent to his property purchased the 35-foot strip adjacent to his property and is using it for commercial. He feels it is strange to require a buffer between one piece of commercial property and another. He said that there is a fence between the 35-foot strip and the residential area. Mr. Heitzman said that he did not know about the block wall stipulation and wants to explore the costs. He said that landscaping would be difficult because of the hard soil. He said that the lighting stipulation is new to him, also, and described the existing lighting. He expressed willingness to comply with the lighting code if it would not be a huge expense.

Vice Chairperson Fisher suggested that the applicant might want more time to consider the stipulations.

Commissioner Mazzuchelli asked about the lighting requirements. Mr. Heitzman said that he would not be opposed if the costs were not too large.

Chairperson Gillespie, noting the applicant's apprehension, suggested tabling the item.

**Commissioner Kiyler moved to table PUC 05-009 to provide the applicant time to explore the stipulations. Vice Chairperson Fisher seconded the motion and it passed with all members in favor.**

**Item #5 - Z 04-051. Consideration of a request to rezone from the Yavapai County zoning of "R1L-35" (Residential, 35,000 sq.ft. min.) to the City zoning of "C-2" (Heavy Commercial). The parcel, 406-12-023Y, is located on the west side of Silverado Drive, just west of the Wal-Mart Supercenter.**

**Mr. Owen presented the staff memo.**

This case is a request from GRL, Inc. to rezone a 12-acre site from R1L-35 (Yavapai County zoning) to the City of Cottonwood C-2 (Heavy Commercial) zone. The site is identified as parcel number 406-12-023Y and is located west of Silverado Drive and south of the Mingus Union High School athletic fields. The site was annexed into the City limits approximately two years ago and was owned in common with the WalMart site and the Larry Green auto dealership project currently under construction to the northeast. Silverado and Rodeo Drives were developed as commercial collector streets as part of the development of the WalMart Supercenter east of the subject site.

North of the site is zoned AR-20 (Agricultural Residential, 20,000 square foot minimum lots) (Mingus Union High School's property); to the west are single family residences zoned R1L-10, (10,000 square foot minimum lots); south of the site are single family residences zoned R1L-18 (18,000 square foot minimum lots); and east of the site is the WalMart SuperCenter and the Larry Green auto dealership zoned C-2 (Heavy Commercial).

The City's General Plan designated the site for "Performance Commercial / Industrial Use" defined as follows: "These areas would accommodate performance based commercial or industrial use activities which meet with planned area development criteria including: appropriate buffering from adjacent uses; at least 20% of the lot area be landscaped; limited or shared points of access to arterial and collector streets; buildings finished with muted colors designed to blend with the natural environment; low-profile, monument style signs complimenting the buildings' exterior; any outdoor storage screened with a block wall; subdued exterior lighting; conformance with the Design Review Board requirements; conformance with local, state and federal air quality, water quality, noise and environmental regulations; and provision for trails and open space where appropriate."

On January 13, 2005, a neighborhood meeting was held to present the preliminary concept to neighbors and other interested parties. A summary of the meeting is included in the applicant's packet of information to the Planning and Zoning Commission. Since the neighborhood meeting, the preliminary site plan, landscape plan, and cross sections have been revised in attempt to address concerns raised by neighbors. Please see the written material and drawings from Biasini/Bryar Architects for these revisions.

The residential property south and west of the site has adjoined vacant land since the homes were constructed. This proposed zone change, or any development for that matter, will have an impact on those residences. Staff suggests that the Planning and Zoning Commission encourage a dialogue between the homeowners and the project representatives to define key issues and identify possible mitigation techniques to address those issues. The list may include the following topics:

1. Grading. One potential advantage of the site is the terrain. Most of the homes appear to have their finish floor elevation at 3,380 feet or higher. The proposed finish floor elevations shown on the Biasini plan range from 3,358 to 3,370, significantly below the elevation of the homes. It may be possible to maximize the vertical separation between the subject site and the adjoining property. It is

also possible to specify finish floor elevation of the buildings and the maximum height of the buildings as a condition of the rezoning.

2. **Setbacks.** The revised site plan indicates that the parking lot would be setback 60 to 75 from the residential property line. Building setbacks range from about 95 feet to 180 feet to the residential property lines.
3. **Buffering.** The revised landscape plan indicates about 31% of the site would be landscaped. Of particular importance is how the buffer area between the homes and the developed portion of the site is treated. A block wall and trees could be situated so to maximize visual separation. Staff would suggest that an individual assessment should be made for each residential property, in conjunction with the property owner, to determine the most effective visual buffer.
4. **Noise and Hours of Operation.** Some residents have suggested that low-key commercial uses may be more desirable than multi-family or more intensive commercial uses. As a condition of rezoning, the Planning and Zoning Commission could recommend limited hours of operation.
5. **Lighting.** The City lighting code caps the number of lumens allowed on a site at 100,000 lumens per acre. The code also requires that lighting be extinguished (except for security lighting) at 10:00 p.m. or when the business closes, whichever is earlier. Like the buffer issue, lighting could be analyzed on residence by residence basis to minimize impacts.
6. **Site Plan and Design Review.** In several instances, the Planning and Zoning Commission has stipulated that every future use on a commercial parcel undergo detailed site plan review by the Planning and Zoning Commission and design review by the Design Review Board at public meetings. These processes allow a thorough review of the specifics of each individual proposal that is brought forward. Issues addressed at this level could include building color; the size, type, and location of landscaping; the location and screening of garbage dumpsters; the screening of any outdoor storage; specific traffic issues based on the particular nature of the proposed user; and other site specific issues. The Commission could stipulate that each proposed building undergo these reviews prior to development.

This topic list may be a starting point for discussion following the public comment portion of the meeting.

Mr. Biasini addressed the Commission. He said that he read the neighborhood meeting comments, walked the site, and said that he would talk about this in three steps.

He said that the first step involves the fact that this is a piece of private property that is within a half a mile of a major State highway. He noted that several of the comments at the meeting leaned in the direction of a desire for zero development here. He said, however, that “no development” is not an option. The property will be developed in some form, whether it is by Larry Green or his successor. He stressed that it is private property and it will be built upon.

Mr. Biasini said that the next level of comments related to the type of development (residential or commercial). He said that he has been on both sides of that issue. He explained that, three or four years ago, he did a plan for Mr. Green that was a residential development. Noting the one house per 10,000 square feet density



adjacent to this property in Verde Village and the nearby commercial, Mr. Biasini said that it seemed reasonable to him that the residential density on this property could be similar to that of Del Webb or Verde Santa Fe, which is one house per 6000 square feet. That would mean that there would be 60 to 70 homes if this property were developed as residential. He said that you could not lower the grade with residential to get it out of view. He also suggested that Verde Santa Fe is an example of grading continuing for several years with all the dust and multiple levels of houses. He suggested the alternative possibilities of having residential transition to commercial or only commercial development. Mr. Biasini expressed his opinion that the proposal for commercial development before the Commission tonight is the best for providing the least impact, except for no development.

Mr. Biasini's third point dealt with his efforts to make the development better for the adjacent residents. He talked about the following.

1. He lowered the site by 4 feet next to the houses.
2. He divided the buildings into smaller units and step-graded them.
3. He drew in the landscaping that is a requirement of this kind of development so that the Commission and the audience could see how much there is.
4. He removed 130 parking spaces and there is still ample parking
5. Whether or not this is the actual development that would occur is subject to discussion with the Commissioners. Each individual site would have to come back to the Commission as an independent entity.

Mr. Biasini noted the following.

1. Car headlights will not shine on the houses because of the lower grade.
2. He paid special attention to the plantings on the perimeter because that will affect the houses.

Then, showing a drawing, Mr. Biasini described in detail what the views of each of the neighboring houses would be. He made the following points.

1. Mrs. Vergara's house would have the most difficulty.
2. He went through one building at a time to work with the views and screening and come up with the best possible plan.
3. The homes to the south are already so high that they overlook the top of this development.
4. Two screening measures need to be dealt with. One is the construction of a wall where people want one. The other is the planting and sizing of landscape material to maximize the buffering from sound and from vision.
5. The Planning and Zoning Commission has the right to limit this project.
6. Ways to accomplish screening must be juggled by the Commission, the developer, and the individual homeowner. There was lengthy discussion about each individual adjacent home.
7. A possible restriction could be the height of the roof of any building, not necessarily the total height. This means that if someone wanted a three-story building, they would have to dig a big hole.

He also said that

1. the General Plan for this property calls for commercial zoning,
2. this is a request for commercial zoning,

3. this developer is a local person who is willing to go out of his way to every extent possible to accommodate reasonable site planning adjustments on this site, however,
4. the owner will not leave the site as open space.

At Mr. Owen's request, Mr. Biasini revisited the grading plan, noting that it is the same as the original plan except with a significant vertical adjustment. He further talked about the landscaping and screening plans noting that there is a huge quantity of plant material required. He said that there is a possibility to develop a pedestrian way.

Vice Chairperson Fisher asked for clarification that this is a request for rezoning with no specified occupant(s). Mr. Biasini confirmed. Vice Chairperson Fisher asked if the building locations are shown exactly where they would be. Mr. Biasini replied that they are not. Vice Chairperson Fisher asked if the Commission would have to go through all these issues again if the buildings were moved. Mr. Biasini said that he viewed it as two jobs to be done. One was to lower the entire site and deal with viewsheds and perimeter buffering issues. He said that job could be accomplished at this level through conditions. What happens within the site itself would be dealt with on an individual site-by-site basis. Mr. Owen confirmed that the latter would come back to the Commission.

Mr. Owen added that the Commission could stipulate what kinds of changes could be allowed, maximum building heights, and other things. With a rezoning, the Commission has the ability to attach stipulations that layout how this property would develop. He said that not knowing who the end user will be is not unusual. He explained that most of those types of businesses need to know that the site has vested zoning before they make a commitment to take one of the pads.

Vice Chairperson Fisher asked if, at this stage, they are looking at the perimeter and would have to speculate on the interior. Mr. Owen confirmed his statement and said that the Commission can be as specific as they choose to be.

Commissioner Bartmus asked about the possibility of uses such as lumberyards if the property were rezoned to C-2 and said that she is not comfortable with the rezoning without knowing what (use) would be put on there. Chairperson Gillespie said that they have the ability to limit the uses on that land. Mr. Owen said that the same concerns were raised five or six years ago with the rezoning across the street. In that case, stipulations were put on the rezoning to exclude lumberyards as a use on that property. Commissioner Bartmus commented that she had read letters in the paper and some of them had some good points. She referenced, in particular, the comments about spaces for rent and said that she would like to see plans of something going in before making specifications.

Commissioner Kevin attempted to summarize and asked for confirmation that if each individual site plan has to come back for review then all that would be accomplished by doing the rezoning would be to allow the property to be marketed as C-2. Mr. Owen agreed.

Commissioner Mazzuchelli asked if they are saying that you cannot negotiate with prospective clients unless you have the zone change in your pocket. Mr. Owen said that, as a community, they have found for the last 5 to 8 years that unless the site is zoned, potential users of the property are not interested. It is difficult to get potential users interested in the property if it has to go through the zoning process. Mr. Owen noted that they have used the technique of requiring that the site plan come back for Design Review Board and Planning and Zoning Commission approval for the last five years, or so. He suggested that the Commission should look at the commercial development and see if they feel that has worked for the community.

Referring to possible stipulations, Vice Chairperson Fisher asked if they would be setting general rules for all development or would they be doing it on an individual basis. Mr. Owen said that he sees it as two tiers. He said that the big issues that can be addressed now, with the rezoning, should be addressed. He gave examples of finished floor level of the buildings, maximum height allowed, required walls and landscaping along the edges of the property, minimum setbacks, and minimum amount of landscaping on the overall site. He said that these general parameters could be set now. The second tier would be when a particular site, or user, comes back in. This is another degree of complexity. At the site plan level, concerns might be such things as where the dumpster is placed or how the lighting works.

Chairperson Gillespie said that the staff memo encourages dialogue at this point. He said that he is not sure what they should do with this tonight. Mr. Owen said that when he wrote the staff memo he felt this would be a chance to engage with the property owners in light of what Mr. Biasini has done and take a house-by-house look at the issues. Chairperson Gillespie said that they can set some generalities but they need input from the public and they may need another meeting with them. Mr. Owen said that it is up to the Commission. Chairperson Gillespie asked the Commission members if they were comfortable dealing with it here. Responses were that:

1. We need feed back from engineers and a variety of outside interests. (Commissioner Kiland)
2. We could do it this evening but it would take a lot of time. We need the public to consider what was presented this evening and then come to another meeting. He is not saying that this will go away. However, he wants the public to be comfortable. (Chairperson Gillespie)
3. We are discussing buildings and trees and he does not want it to sound like a decision has been made. He feels that another meeting would provide more input from the public and related his personal observations about development. He stressed to the members of the neighborhood that there would be change in their area. If it is going to change, we are going to make it as accommodating to the residents as it would be to the developer. Making building height recommendations, etc. tonight would be pushing it, particularly when we have not heard from the neighbors. (Vice Chairperson Fisher)
4. Commissioner Kiyler said that he feels like he is giving his ex-wife a credit card with no limit. He asked Mr. Biasini if there are any prospective tenants for this project. Mr. Biasini said that there are not.

Chairperson Gillespie opened the floor to the public. Commissioner Kiland interjected that they are considering a zoning change only, not an approval for a preliminary plat, which is a separate matter. Chairperson Gillespie reminded him that they could still put stipulations on it.

Chairperson Gillespie called upon the individual who had completed the request to speak forms.

Bob Gillies explained that his son lives next to the project and he is representing his son. He made the following points/comments (condensed and paraphrased)

1. he was surprised at the extreme zoning change next to an existing residential neighborhood,
2. land use planning should blend uses and avoid conflicts of uses,
3. this zone change does neither of these,
4. at first, he felt this might reflect some attitude towards some of the people of Verde Village who rejected annexation,
5. he reviewed the General Plan,
6. the General Plan does not reflect any attitude towards Verde Village,
7. nor does the General Plan encourage dramatic changes such as this,
8. General Plan states that a guiding principal for economic development is regional collaboration, which indicates that they intend to balance their activities with their neighbors,
9. in this case, the neighbors are Verde Villagers.

Mr. Gillies apologized to the planners for being suspect of their motives.

Continuing, Mr Gillies quoted extensively from the General Plan. Points that he placed emphasis on were that;

1. the goal of the land use element says, "To encourage and support quality development that is compatible with nearby land uses..."
2. the stated objective is "to protect existing neighborhood from incompatible land uses".

Mr. Gillies said that with all the discussion of collaboration and maintaining a healthy community and protecting the integrity of an existing neighborhood he does not know how such a radical zoning change even got in the Plan. He said that he assumes it was an oversight when the use boundaries were drawn. It may have looked logical on the map. However, someone failed to consider the proximity to existing residential neighborhoods and the impact it would have on those residents. He expressed hope that this did not reflect some sort of opposed agenda. He said that, regardless of what the General Plan shows, this proposal is not right and should be rejected. He said that they have made an honest effort to try to hide the impacts. Mr. Gillies said that there is a better way to use the space between Wal-Mart and the neighborhood and he does not think that "nothing" is an answer. He said that to not allow an owner to use his land would be a violation of our Constitution. However, how he uses it must respect people around him. Mr. Gillies said that is what Planning and Zoning is all about and there may be a softer zoning that would blend the change from Wal-Mart to the neighborhood.

Commissioner Bartmus said that comments and letters from inside and outside the City limits were considered during the General Plan process.

Ricci Vergara spoke next. She said that she is a “neighbor” whose house is one of the lower ones. She described how her property would be affected if the hill were graded down and said that her view would be Wal-Mart. She said that the hill is a visual and a noise buffer. She showed pictures taken from her porch and said that instead of the beautiful view of the red rocks and the mountain there will be a building. She gave detail about the change that this proposal would make. She said that she put her house on the market for sale after the first neighborhood meeting. However, prospective buyers who exclaim about the views do not return once they hear that there is a proposal to take the hill down.

Ms. Vergara expressed objection to the idea of having to watch the papers for notices of hearings on each of six pads and attending more meetings. Referencing Mr. Biasini’s comments about Verde Santa Fe, she acknowledged that there is a density there, but it is made up of people who would be her neighbors and not just strangers in cars coming and going. If house were built here, the people in them would also be neighbors.

There was miscellaneous discussion about a City Zoning comparable to the County’s R1L-35. Mr. Owen explained that there really is not one. He said that there are instances in town where zonings such as AR-20 and AR-43 go right up next to commercial zonings.

Don Heronemus was the next person to speak. He said that he moved here a year and a half ago and has C.O.P.D., which caused him to lose a lung. He talked about the poor dust control during the construction of the roads. He also spoke about the ditch proposed by his house and expressed concern about the drainage and possible standing water and mosquitos. He said that he has heard rumors that the developer wants to put another car dealership on this property. He asked about what is going to go there and said that he cannot believe that all this money has been spent on this project without knowing if he is going to sell it or if he is going to put three buildings or one building there. He stressed that his major concern is dust.

Clair Rasmussen said that he lives next door to Don. He said that he is encouraged that several Commission members said that this is not the final plan. The salient issue is that it is a zoning change request and not approval for one plan or another. He said that he and his neighbors do not expect the property to remain sagebrush. However, he does not think that it should go to heavy commercial and suggested light commercial or a different residential zoning. He urged the Commission to find a middle ground between a Verde Santa Fe type project and the project as proposed.

Diva Denissov told the Commission that she has lived near the proposed project for 15 years. She has 113 feet of fence line and it would be impossible to screen her property from the proposed development. She talked about her property value appreciation. She said that she and all her neighbors have a vested interest in their



properties and they want to benefit from the appreciation in their property values. She said that they only oppose development that jeopardizes a group of people for the benefit of one. She echoed the previously expressed views that this feels like writing a blank check and that the thought of coming before this Commission over every single proposal is frightening. Ms. Denissov said that a Sedona real estate appraiser told her that C-2 zoning would definitely not have a positive impact on her property values and advised her to contact an attorney. She expressed preference for a Verde Santa Fe type development on this property. She also suggested the creation of a new zoning classification for this unusual piece of property and said that homes would have a positive impact on the adjoining real estate.

Bob Woods simply said that the proposed zoning change would create all kinds of uses that would be incompatible with the existing neighborhood. He said that because of that, it is liable to affect their properties in a negative way.

Richard Ochs said that if we zone this commercial it automatically becomes industrial. Discussion between Mr. Ochs and Mr. Owen revealed that Mr. Ochs had confused a statement that Mr. Owen had made about PCI zoning with commercial zoning. Mr. Owen said emphatically that C-2 zoning is not industrial zoning and he read from the Zoning Ordinance to clarify the point.

Ms. Vergara asked to speak again and read the allowed uses in the C-2 zoning district. She emphasized that they are not just light.

Chairperson Gillespie closed the floor to the public and opened it to the Commissioners.

Commissioner Bartmus asked Mr. Owen for clarification of the differences between C-1 and C-2 zoning. Mr. Owen said that C-1 is light commercial and allows primarily indoor uses in enclosed buildings. He read from the Ordinance. Then he displayed a slide of the City zoning map on the screen and pointed out that C-2 zoning abuts residential zoning in many areas of the City. He talked about the Groseta/Bashas project that was proposed, brought to a referendum, and approved by 75% of the voters. He said that the setbacks from residential on the current proposal are considerably greater than the ones proposed for the Groseta/Bashas project and that was another case of existing single-family homes up against a shopping center.

Commissioner Kiyler said that what was approved in the Groseta/Bashas case was a known quantity where this proposal is conceptual and has changed two times in the last month. He said that he wished this developer would be more specific about what is going in there.

Chairperson Gillespie agreed and said that there needs to be some time set aside here. He reiterated that the property is privately owned and will be developed. He mentioned tabling the item. Commissioner Bartmus questioned that, since it is a rezone issue, tabling it would just bring us back to the same point. Chairperson Gillespie asked Mr. Owen if the intent was for the Commission to act on this

tonight. He asked if the staff suggestions were made public. Mr. Owen said that they were handed out to the audience. Mr. Owen said that if the Commission wants to move forward tonight, the staff suggestions are something that the Commission may want to stipulate. He asked that the Commission direct staff, the applicant, and the neighbors to some course of action.

Chairperson Gillespie said that it is the consensus of the Commission to direct the staff, the developer's representative, and the neighborhood to set up another meeting where guidelines and restrictions can be designed.

Commissioner Mazzuchelli asked a procedural question relating to the length of time for the applicant to reapply if the zoning change request were denied. Mr. Owen said that he would need to look up the answer for that question.

Chairperson Gillespie said that it is important that the developer hears and understands that the people might accept a lighter zoning. He said that he disagrees with comments that this process would have to be repeated as every pad developed. He explained that, at this time, we would develop general site parameters. As examples, he said that they could set building heights, landscaping, etc. This could not change substantially. For example, one big store could not go in there in place of the three or four that are proposed now. Chairperson Gillespie said that the general site parameters are what the neighborhood should have input about.

Mr. Owen answered Commissioner Mazzuchelli's question about reapplication. He said that if the proposal is denied, the applicant could appeal to Council. If Council denied the request, the Commission could not reconsider it within a year unless conditions upon which the original denial was based have changed.

Commissioner Kevin said that granting the zoning change would be the same as putting it on hold and everything would have to come back again and that bothers him. He said that they are expected to approve an abstraction and he is uncomfortable with that.

Mr. Biasini said that he is not sure that if the users were known the neighbors would be any happier. He said that if the development occurs, the circumstance that they are trying to avoid, which is the proximity of commercial development to a residential neighborhood, is going to happen. Chairperson Gillespie reminded Mr. Biasini that the floor had been closed to the public and that he needed to address the Commissioners. Mr. Biasini said that he would hate to see the request denied at this point because he feels there are still places to go with it other than appealing to the City Council or going around one more time with the neighborhood and a development plan.

Vice Chairperson Fisher told Mr. Biasini that he believes the big problem at this time is that it is a pig-in-a-poke. He said that there is a big difference between a beauty parlor and a lumberyard. He said that the two options that they have are;

1. turn down the request, or
2. the developer and staff work it out so they can present it in way that is acceptable.

Vice Chairperson Fisher said that he does not like buying things that he cannot see, feel, and touch.

Commissioner Bartmus said that she did not hear the neighbors say that they thought it would go away. She said that she thought she heard everyone say that they are willing to work a compromise. Commissioner Kiyler said that what he thinks is bothering them, and what is bothering him, is the unknown factor.

**Chairperson Gillespie moved to table Z 04-051 and to direct staff and the developer to set another meeting. Vice Chairperson Fisher seconded the motion.**

Commissioner Kiyler asked if staff should be given specific direction and discussion ensued.

Chairperson Gillespie said that

1. staff is to provide zoning information to the neighborhood,
2. list what can be restricted.
3. suggest what the neighborhood might, or might not, want there and
4. look at limiting building height.

Vice Chairperson Fisher said that a backup plan should be explored.

**Chairperson Gillespie announced that a motion was made and seconded and he called for the vote. The motion to table the item passed unanimously.**

Item #6 - Consideration of adoption of the City of Cottonwood Subdivision Ordinance. Upon later adoption by the City Council, the ordinance will supersede Title 17 of the City of Cottonwood Municipal Code, pertaining to subdivisions.

Mr. Gehlert presented the subdivision ordinance and reviewed some of the revisions and comments as noted below. He said that the design profile that is attached to the packet is somewhat different from the one that is in the ordinance.

The final draft of the subdivision ordinance (dated 1/27/05) is attached for your review and consideration. Staff is asking for the Commission's approval at this time.

Incidentally, the draft is dated for the most recent committee meeting. It was actually created in advance of that date and sent out for committee review in preparation for that meeting (that's why some of the written comments are dated earlier). Also attached is a summary of revisions, some of which the Commission may wish to review as part of the hearing on Feb. 28.

### **The Recent Process of Review**

In September, staff passed a revised draft of the subdivision ordinance (dated 9/15/04) to the commission together with a variety of other comments and issues, some of which were discussed at that time. The Commission directed staff to create



a proof copy and send it back to the committee for their final review and approval. Staff then created the current draft (dated 1/27/05) and distributed it to the committee members for their review. Staff met with members of the committee again on January 27, 2005, reviewed the recent changes to the document. Some additional comments were received at that time, as detailed herein.

For your information, the draft of 1/27/05 was also posted on the City website together with the Municipal Code which includes Title 17, "Subdivisions," where the City's former guidelines and requirements for subdivision review had previously been established. The attached Public Service Announcement was also distributed to all media outlets, committee members, commission, and council staff and to a variety of potential subdividers in the area.

### **Summary of Recent Committee and Public Comments**

- Pat Naville submitted written comments (attached) outlining a few minor technical additions (Articles 2-6).
- The solar guidelines (recently added under section 604.01) should be more general. Specifically the committee would eliminate items A and C, and any other language that would specifically require solar access easements.
- Phil Terbell also submitted (attached) questions on how the new subdivision regulations allowed concessions for hydrants and street widths in response to new sprinkler standards (602.13); and how the ordinance would affect sewer development following the adoption of gray water recycling standards (605.03). Jerry's response is also attached.
- The standard for local street widths (APPENDIX) should be narrower with an allowance of no more than 4' for parking on either side. The Fire Department was not represented at the committee meeting on 1/27 and has not offered formal comments regarding this issue. The committee recommended further review of the local street standard.
- The committee also noted inconsistency regarding placement of sidewalk within right-of-way for 2-lane collector and arterial profiles (APPENDIX).

### **Other Recent Comments Regarding Local Street Standards**

To follow up the comments regarding local street standards, staff met in a special session on 2/15/05. The committee generally agreed that the right-of-way and street sections could be narrowed further. The attached cross-section reflects the outcome of the discussion. The revised local street cross section was re-distributed to staff, committee members, and a variety of potential subdividers in the area. Comments:

- Jack Seitz mentioned that the ROW only needs to be 40 feet to accommodate everything. The current proposal would establish a 45 foot ROW, allowing some overage beyond the edge of the sidewalk. Jack suggested the overage, allowed initially to better accommodate excavation of sidewalks during repair of water

lines, could be eliminated to increase lot size. The adjacent Public Utility Easement can accommodate the repair work.

- A representative from Citizens Utilities also suggested they would rather place gas lines out from under sidewalk in the center of the adjacent PUE. Currently they are depicted under the sidewalk. They have not yet responded in writing.

### **Legal Review**

Attached is a letter to the City attorney inviting their review of the document and outlining a few questions. Unfortunately, the Attorney's review has been delayed.

### **RECOMMENDATION**

Although the legal review is still in process, Staff feels that the additional comments received to date can be addressed in the form of stipulations. The legal items cited in the letter to the attorney also generally pertain to Council matters, or (as in the case of the PAD comment) affect procedures which are outside the subdivision standards. Resolution to these questions may not be necessary to the completion of this ordinance. As many of them pertain to Council actions, they can also be addressed by the City Council once legal review is complete. However, there may also be comments from the attorney which may be referred back to the Commission, at the discretion of the City Council. Or, if the Commission prefers, action regarding this ordinance can be held over until the attorney's review is complete. Staff recommends the Commission approve the draft of 1/27/05 with the following additional revisions:

1. Revision to solar guidelines (under 604.01), eliminating sections A and C, as well as any language requiring solar easements.
2. Amendment to add the revised local street standard, while also moving the gas line to the center of the PUE on the North and West sides of the street.
3. Revisions to Section 602.13 which address placement of hydrants, length of dead ends; and size of cul-de-sac / turnarounds in response to compliance with sprinkler standards.
4. Amendment to cross-sections for collectors and arterials placing the sidewalk at the edge of the right-of-way.
5. Technical revisions as outlined by Pat Naville's letter of 1/25/05.
6. City Council consideration of attorney's comments, and, if necessary, referral back to the Planning & Zoning Commission.

Mr. Gehlert displayed a neighborhood street diagram and said that it allows parking on both sides. It has a rolled curb with an attached sidewalk. He said that it is a 26 foot paved street section with 4 feet of curb (2 feet on each side) making it a 30 foot increment back of curb to back of curb.

Mr. Owen said that the Fire Department seems to be OK with it but we need it in writing from them. Mr. Owen also discussed the private streets that have occurred recently with medium-density PADs. He said that there have been issues about fire access and no parking in some of the smaller projects. Mr. Owen said that one of the things that they are trying to achieve, as part of this is to use the 30-foot back-of-curb-to-back-of-curb, parking on both sides, and a five-foot sidewalk on both sides as a standard for residential subdivisions. He said that they are also proposing this as a standard for private streets. He said that he believes that City Council wants a standard that applies to public and private streets and allows parking so that we do not have to hope that a Homeowners Association is still around in a few years to enforce no parking.

Commissioner Kevin said that the 26-foot right of way implies no parking. Mr. Owen said that it is talking about 26 feet of black asphalt and 2 feet of concrete gutter and rolled curb, which equals 30-foot back-of-curb-to-back-of-curb. He said that the Fire Department is OK with that because of the sprinkler ordinance. That section would allow parking on both sides. He talked about worse case scenarios and said it would still allow a 15 foot through lane for a fire truck to get through. We do not have it in writing from the Fire Department, yet, but their indication is that they are fine with this.

Mr. Owen said that we should be able to accomplish a narrower street section, which most people think slows down traffic. We will be OK in the future with parking and sidewalks on both sides and hope this becomes the standard.

Mr. Gehlert pointed out that there is an 8-foot wide public utilities easement on each side, also.

Mr. Gehlert said that the Commission has done their work. The legal review of the document is not completed. Therefore, the Commission has the option of waiting for the attorney's review or passing it to the Council and letting them deal with that. Mr. Gehlert said that staff is recommending approval of the subdivision ordinance with six stipulations, which he read.

Chairperson Gillespie asked if stipulation #4 meant that it was placing the sidewalk at the edge of the right of way or taking it away from the edge of the right of way and moving it back to the edge of the curb. Discussion among Chairperson Gillespie, Mr. Gehlert, and Mr. Owen ensued. The conclusion was that the sidewalk was pushed towards the right of way with the utilities easement between the curb and the sidewalk. Mr. Owen noted that on arterial and collector streets, the public utilities easements are in the right of way, which avoids conflicts with property line walls.

Commissioner Kevin requested that his and Commissioner Kiland's names be added to the review committee.

Commissioner Kiland commented about difficulties with the solar guidelines.

Mr. Owen said the he views articles 1-5 as mandatory. Mr. Gehlert agreed. Mr. Owen said that article 6 is more in the suggestions category. Article 6 talks about alleys and garages in the back. He said that they should talk about that. Commissioner Mazzuchelli said that if it is passed as an ordinance it becomes law and, therefore, cannot be just a suggestion. Mr. Owen quoted a portion as an example. Commissioner Kiland said that these are definitions. Commissioner Kevin noted that alleys are controversial as some people view them as a benefit to a burglar.

Chairperson Gillespie said that he sees options, here. He said that some things are vaguely worded. Commissioner Mazzuchelli said that saying “alleys are encouraged” means that we could not deny a project just because it did not have alleys. There was miscellaneous discussion with the conclusion that the lawyers should decide.

Mr. Gehlert said that the function of the appendix was to encourage, rather than require, a design philosophy. He asked if the Commission members feel that is how they represented things or if they are being too strict in their language. General comments were that it is OK.

Chairperson Gillespie asked if anyone in the audience wished to comment.

Bob Backus said that he generally supports the ordinance. He has concerns with the following:

1. Narrower street widths are too narrow for larger vehicles.
2. Five-foot sidewalks in residential areas add to housing costs – four foot would be better.
3. The sprinkler ordinance added about \$7 per square foot to the cost of construction when they were lead to believe that it would be \$1.50 per square foot.
4. Higher development costs equal higher density subdivisions.

He cautioned the Commission to be careful about what we cost the public. He raised the question of the need for five-foot sidewalks when we have used four-foot sidewalks for forty years.

Mr. Backus also asked why the water lines would be put under the sidewalk and not in the utility easement. Mr. Phipps said that the Utilities Director requested that they be under the sidewalk.

Mr. Backus said that he likes a 45-foot right of way rather than a 50-foot right of way.

Mr. Gillies said that he likes widening the street so that you can park on the street. That contributes to the small town feeling.

Chairperson Gillespie closed the floor to the public.

**Commissioner Kevin moved to approve the Subdivision Ordinance as written and amended by the recommendations for modifications. Commissioner Bartmus seconded the motion and it passed unanimously.**

Item #7 - Election of Chairperson and Vice Chairperson of the Planning and Zoning Commission.

**Commissioner Bartmus nominated Jim Gillespie as Chairperson and Terry Fisher as Vice Chairperson. Commissioner Kiland seconded the motion. The motion passed unanimously.**

Item #8 - Informational Reports and Updates.

Mr. Owen reported on the following:

1. Today was Sue Schoonmaker's last day with the City as she is retiring.
2. Krista Cline resigned and her last day was Friday.
3. The new streetlights in Old Town will officially be turned on next Tuesday during the Council work session.
4. Lowe's proposal is a Code Review Board agenda item next week.
5. There is a lot of commercial activity.

Item #9 - Call to the Public.

There was no response.

Item #10 - Adjournment.

Chairperson Gillespie adjourned the meeting at 9:03 PM.

# City of Cottonwood Meeting Sign-In Sheet

## PLANNING & ZONING COMMISSION PUBLIC HEARING

CITY COUNCIL CHAMBERS FEBRUARY 28, 2005 6:00 P.M.

**Please Print Legibly**

NAME	ADDRESS	CITY	ZIP	PHONE	EMAIL ADDRESS
1. Don Hexonienius	1431 GRAYBAR	COTTONWOOD	86326	649-6753	
2. P. PER	511 N. W. 11th St	"		434-5404	
3. MITZI CONDIT	1840 DONNER TRAIL	"	"	646-0292	
4. Vincent Guinta	1541 carpenter	cottonwood			
5. Jayne Guinta	1541 carpenter	cottonwood	86326	646 5030	
6. BOB BARKS	830 EVERGREEN	CARLSBAD		639-1295	
7. CLAIR RAMMUSSEN	1445 DOUGLASS	CITRUS	86326	639-1808	
8. Roy Hess	1530 Doughty	Cottonwood	86326	634-9671	
9. Bob Gillies	1755 E. Cypress	Cottonwood	86326	634-7480	
10. BEN Gillies	1800 Donner Trail	Cottonwood	86326	646-0311	
11. WILLIAM KRECHERSKY	1503 DESTROY	COTTONWOOD	86326	646 5064	
12. James Wythe	1841 Donner Trail	cottonwood	86326	646-7385	
13. Larry Olson	1375 Main	cottonwood	86326	634 2227	
14. Barbara Dupont	838 E Joy Ct	Cottonwood	86326	649-9842	
15. Myranda Wixson	1726 Sumner	Cottonwood	86326	634-4128	

**APPROVED**

**APPROVED**

**City of Cottonwood Meeting Sign-In Sheet**  
**PLANNING & ZONING COMMISSION PUBLIC HEARING**  
**CITY COUNCIL CHAMBERS FEBRUARY 28, 2005 6:00 P.M.**

**Please Print Legibly**

NAME	ADDRESS	CITY	ZIP	PHONE	EMAIL ADDRESS
1. <i>Eric Martinez</i>	<i>1924 Owl Run</i>	<i>Cottonwood</i>	<i>86326</i>	<i>6490389</i>	
2. <i>Richard + Irene Ochoa</i>	<i>2503 E. Rio Mesa</i>	<i>Cottonwood</i>	<i>86326</i>	<i>646-5285</i>	
3. <i>Norman Ruess</i>	<i>2242 Rio Mesa Tr</i>	<i>Cottonwood</i>	<i>86326</i>	<i>634-1855</i>	
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**APPROVED**





## Minutes of the Planning and Zoning Commission Meeting

Held March 21, 2005 6:00 p.m. at the  
City of Cottonwood Council Chambers  
826 North Main Street, Cottonwood, Arizona

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Item # 1 - Call to Order

Chairperson Gillespie called the meeting to order at 6:00 p.m.

Item # 2 - Roll Call

Chairperson Gillespie	Present
Vice Chairperson Fisher	Present
Commissioner Kiyler	Present
Commissioner Kevin	Present
Commissioner Bartmus	Absent - excused
Commissioner Kiland	Present
Commissioner Mazzuchelli	Present

Staff Present:

Jerry Owen, Community Development Director  
George Gehlert, Long Range Planner  
Colin Phipps, Neighborhood Planner  
Carol Hulse, Administrative Coordinator

Public Present:

See attached list.

Item #3 - Consideration of minutes from the February 28, 2005 Commission meeting.

**Commissioner Kiyler moved to approve the minutes as written.  
Commissioner Kevin seconded the motion and it passed unanimously.**

Item #4 - PCU 05-014 Consideration of a new Conditional Use Permit for an existing mortuary located on 3.34 acres in an R3 (multi-family residential) and R-1 (single-family residential) zone at 1013 East Mingus Avenue. APN 406-42-075A.

Mr. Phipps presented the staff memo.

The applicant, Final Care Realty, LLC, is requesting a Conditional Use Permit for an existing mortuary at 1013 East Mingus Avenue known as Westcott Funeral Home. The property is located on approximately 3.34 acres with the northern

third zoned R-3, Multiple Family Residential, and the southern two-thirds zoned R-1, Single-Family Residential. The site is bounded by multi-family residential to the north, east and west (R-3), and single family residential to the south (R-1). The site originally began as a church in 1951, became Westcott Funeral Home in 1986, and was then purchased by Final Care Services in 1997. Apparently, the Westcott Family never obtained a Conditional Use Permit when they converted the church to a funeral home in 1986, and as a result, the mortuary has been continuously operating the last 19 years without a use permit. Because the property converted to a funeral home in 1986, it is not considered a grandfathered use. Additionally, it is not considered a church or similar religious function because funeral homes are specifically listed as a “personal service” in the C-1 zoning district. Therefore, a conditional use permit is being requested now so that the applicant can pursue financing. Staff notes that mortuaries are generally considered to be a mild or benign land use, similar in intensity to a church, and that this use has existed at this location for almost twenty years without incident. To this end, staff recommends approval of the conditional use permit with the following stipulations:

1. That the use conforms to the parking requirements of Section 406 of the Zoning Ordinance.
2. Lighting be upgraded to meet the current dark sky ordinance.
3. That this conditional use permit be reviewed in five (5) years.
4. Any other conditions the Commission deems necessary.

The applicant, Steven Palmer, was available to answer questions for the Commissioner members.

Vice Chairperson Fisher asked when the canopy was constructed and if it met the Zoning Ordinance requirements. Mr. Palmer responded that it was two or three years ago. Mr. Phipps noted that it was installed before the Accessory Structure Ordinance was in place.

Commissioner Kiyler questioned how this use went so long without a conditional use permit. Mr. Owen said that it is believed that, at the time, it was interpreted to be a use like a church, and therefore, a permit was not required. However, the Zoning Ordinance states otherwise.

There was no response to Chairperson Gillespie’s invitation for anyone for or against the project to speak. Chairperson Gillespie closed the floor to the public.

**Commissioner Kevin moved to approve PCU 05-014 with the three staff recommended stipulations. Vice Chairperson Fisher seconded the motion that passed unanimously.**

Item #5 - FP 05-012 Consideration of a Final Plat for Copper Dome Plaza Commercial Condominiums, a new subdivision to be located on 1.2 acres in a C-2 (heavy commercial) zone at the southeast corner of SR 89A and Calvary Way. APN 406-08-025G.

Mr. Gehlert presented the staff memo.

The applicant is requesting commission approval of a final plat for Copper Dome Plaza. The site is located in a C2 (heavy commercial) zone at the southeast corner of Highway 89A and Calvary Way. A construction permit has already been issued for a two-story commercial building at this site. The applicant has also submitted two tenant improvement construction plans. Part of the proposed tenant improvements includes a residence located on the second story. The Planning and Zoning Commission approved a Conditional Use Permit for a residence on November 15, 2004. There is no change in the property development standards for a condominium versus the recently reviewed and approved project.

On 1/24/05, the Commission recommended approval of the Preliminary Plat for this project subject to review and approval of Conditions, Covenants and Restrictions. The Council approved the pre-plat on 3/1/05 with no changes. The CC&Rs were submitted as required along with the final plat application. Staff has reviewed the submitted Final Plat and recommends approval with the following stipulations:

1. Compliance with all prior code and development review stipulations.
2. City Council approval of the final plat.
3. Recordation of signed Mylar within 6 months of Council approval.
4. Submittal of the final plat in a digital format.
5. Minor changes in the wording of the signature blocks.
6. Any other Conditions the Commission deems necessary.

Commissioner Kevin asked if the two handicapped parking spaces shown on the plans were enough. He said that it would seem the number needed might vary based on use. He gave an example that if the space were leased for medical rehabilitation, two spaces would obviously not be enough. He asked if the requirement could be changed later, if needed. Mr. Owen said that the number of handicapped parking spaces is based on the total number of spaces as dictated by the Uniform Building Code and, in this case, two meets the Code. Mr. Owen said that he does not know how you would change it. He explained that 3 regular parking spaces could convert to two handicapped spaces and said the Property Owners Association would have to okay that. Commissioner members discussed that this appears to be a shortcoming of the Uniform Building Code and that the age of the population being served should be considered.

Commissioner Kiyler asked if the plat complies with ADA requirements. Scott Smith of True North Surveys, representing Dr. Paydar, said that the plat was designed by an architect, went through the Code Review and Design Review processes, and he presumes it is OK. Commissioner Kiyler said that if it is in

compliance they should not put further stipulations on it. He admonished the applicant to be certain that he is in compliance.

Chairperson Gillespie suggested that the owner could add a couple of additional spaces out of consideration for future clients.

Commissioner Kiyler asked that a stipulation be made that the applicant check the ADA handicapped parking requirements for the type of business that is eventually in the space and advise staff if they add spaces.

**Commissioner Kevin moved to approve FP 05-012 with the following stipulations:**

- 1. Compliance with all prior code and development review stipulations.**
- 2. City Council approval of the final plat.**
- 3. Recordation of signed mylar within 6 months of Council approval.**
- 4. Submittal of the final plat in a digital format.**
- 5. Minor changes in the wording of the signature blocks.**
- 6. Verification that handicapped parking and access requirements have been met and consideration of additional handicapped parking and access improvements based on the nature of the services which are likely to locate in this facility.**

**Commissioner Kiyler seconded the motion and it passed with all members present voting in favor.**

Item #6 -

**Z 04-051** Consideration of a request to rezone from the Yavapai County zoning of "R1L-35" (Residential, 35,000 sq.ft. min.) to the City zoning of "C-2" (Heavy Commercial). The parcel, 406-12-023Y, is located on the west side of Silverado Drive, just west of the Wal-Mart Supercenter.

Mr. Owen presented the staff memo.

As requested by the Planning and Zoning Commission, staff conducted a follow up meeting on March 16, 2005 with the nearby residents, the applicant, and his agent. All neighbors were notified by mail. Different concepts for development of the site were discussed including:

1. The proposal reviewed at the February 28, 2005 meeting – rezoning to C-2 with stipulations regarding grading and height of structures; the width of buffer yard from the edge of the residential boundary to the edge of building or parking area; landscaping of the buffer yard and the height of screen walls provided at the edge of residential property; limiting some of the C-2 uses allowed on the site; and requiring each subsequent site plan to go through public review at the Planning and Zoning and Design Review levels.
2. Single-family and commercial. Steve Biasini presented a concept plan that showed the creation of 27 single family lots of 5000 square feet backing up and adjacent to the existing residences with about 8 acres of commercial land below.
3. Multi-family and commercial. Steve Biasini also presented a concept plan that showed 36 units of attached housing (9 four-plex structures) backing up to and adjacent to existing residences and about 8 acres of commercial land below.

4. Near the end of the meeting, one neighbor suggested a winding commercial street through the site with the creation of smaller commercial lots in the manner of Cove Parkway.

Each of the plans above is conceptual in nature at this point. The applicant is requesting this rezoning as the land developer – responsible for bringing street access, water, sewer and other utilities to the site and preparing the property for development. In recent years, many commercial end users want commercial zoning in place before they purchase the property. The Wal Mart Supercenter and the proposed Lowe's are two local examples of this trend. The Planning and Zoning Commission and City Council supported those rezonings conditioned on stipulations appropriate to the site and including the requirement for each subsequent project to undergo site plan review and design review at public meetings. This allows "big picture" conditions to be applied to the rezoning case and site specific conditions to be applied to the individual projects as they go through site plan review and design review. Staff believes this system has worked well in the past and can well in this case.

Attached for your review is a letter received from a neighbor and the sign up list of attendees at March 16, 2005 meeting.

Staff believes that this request is in accordance with the General Plan and the following conditions are appropriate to mitigate negative impacts on adjoining uses. Staff recommends approval of Z 04-51 subject to the following conditions:

1. That each and every proposed site plan be reviewed and approved by the Planning and Zoning Commission at a public meeting prior to any site work.
2. That each and every site plan be approved by the Design Review Board at a public meeting prior to any site work.
3. That any outdoor storage is screened with a split face block wall designed to complement the building's exterior.
4. That river rock walls and accents be incorporated into sign bases and building facades as approved by the Development Review Board.
5. That no less than 25% of the total site be landscaped.
6. That no building, parapet wall, roof or mechanical equipment, street light or other structure exceed the height of 3386 feet above sea level.
7. That the "buffer" area between the existing residences and future development consist only of screen walls and landscaping on a graded slope at the width designated on the Biasini/Bryar plan dated 3/17/05 or greater.
8. That the developer coordinate with Cottonwood Water Works/City of Cottonwood, Arizona Department of Water Resources, Arizona Department of Environmental Quality and the City of Cottonwood Fire Department in regard to necessary improvements to the water system.
9. That 24 inch box trees be established along the area of the residential buffer after consultation with the adjoining property owners. The trees should be moderate to fast growing and irrigated in accordance with City standards. Heavy duty poly trees wells will be required as needed on the slope area to ensure establishment of the trees. All dead plant material must be replaced in accordance with the Zoning Ordinance requirement. Any unused street right of way along Silverado must also be landscaped.

10. That the development extend and connect to City sewer.
11. That roofs be non-reflective in color and material. Any skylights should be designed to prevent light spill at night.
12. That a 6-foot high block wall be provided along the south and west property line unless the Design Review Board approves a higher or lower wall height at the request of the adjoining property owner.
13. That the development meets the requirements of the City Code, the Zoning Ordinance as well as Building, Public Works and Fire Department requirements.
14. That the City lighting ordinance be met and that the Design Review Board take particular care to minimize any off-site lighting and noise concerns as part of the individual site plan review.
15. That the developer submits a detailed paving, grading and drainage plan and drainage report prepared by a Professional Engineer, with detention calculations as required per City Ordinance No. 172.
16. Plan review and off-site inspection fees will be charged to each project, per City Ordinance No. 362.
17. That all required rights of way and utility easements be recorded, and drainage easements be established for the channels as may be required by the City prior to site development. The drainage easements must stipulate that the underground drainage structures are the maintenance responsibility of the property owner(s).
18. That additional requirements may be imposed as part of the Planning and Zoning Commission's site plan review and the Design Review Board's design review process, as may be determined by the Planning and Zoning Commission and the Design Review Board.
19. That the wall and landscaping along the south and west sides of the site be completed before any other site improvements including any further grading or construction beyond the previously issued grading permit.
20. That any disturbed areas of the site be covered with two inches of gravel or granite to minimize dust following site grading.
21. That a subdivision plat be submitted and recorded in accordance with State statute prior to the creation of the fourth lot, tract or parcel on the property.
22. That the rezoning not take effect until the applicant record a deed restriction prohibiting the following uses on the property: second hand stores; mobile home parks and mobile home and agricultural equipment sales; outdoor commercial recreation including drive-in theatres; gas stations; lumber yards; outdoor kennels as part of veterinary clinic; outdoor auto repair; and adult uses.
23. Any other conditions the Commission deems necessary.

Chairperson Gillespie asked Mr. Owen to provide a definition of outdoor storage as referred to in Stipulation 3. Mr. Owen said that it means storage incidental to the commercial use, such as trash dumpsters

Chairperson Gillespie asked about the "3,386 feet above sea level" referenced in stipulation 6. Mr. Biasini said that he calculated the elevation to make it so that anyone seated in any of the residences would look out over the commercial development rather than looking at it. He said that the overall height was planned relative to the adjacent residences and explained that a tall building could be built

if they were willing to dig down rather than build above the 3,386 foot level.

Chairperson Gillespie noted that it did not show on the drawing and Mr. Biasini should put it on the drawing. This was followed by further discussion about the floor levels.

Chairperson Gillespie referenced stipulation 19 saying that dirt would have to be moved before the wall could be built. Mr. Owen explained that a grading permit was issued for the northern half of the site and he was trying to exclude that from the stipulation. He said that the intent was to help the neighborhood by doing the wall, slopes, and landscaping before any site construction. Chairperson Gillespie suggested rewording the stipulation to say that the wall and landscaping...be completed when the preliminary grading is done and before any other site improvements are done. Mr. Owen agreed to reword the stipulation.

Referencing stipulation 12, Chairperson Gillespie said that “each” property owner should be contacted regarding the wall proposed along the south and west property lines for DRB consideration.

Vice Chairperson Fisher noted that the time that DRB meetings are held is not a convenient time to accommodate working people. He requested changing the DRB time to an evening time and advertising the meeting in the paper like the other public meetings. Chairperson Gillespie said that he agreed, especially when the more complex properties would be reviewed. Mr. Biasini noted that the DRB met in the evening when the Super Wal-Mart project was reviewed.

Commissioner Kevin expressed concern about the requirement in stipulation 20 regarding placement of gravel or granite following site grading. His concern was the possibility that the material might just be put down and then have to be taken back up right away if someone decided to build. Mr. Biasini explained that the intent of the stipulation is for dust control, and, while it could happen the way, it is a risk the developer would have to take.

Chairperson Gillespie invited any persons for the project to speak. Mr. Biasini was granted permission to speak for the project.

Mr. Biasini thanked the neighbors for their efforts, attending meetings, maintaining civility, and working hard. He noted that they could have been more rancorous but were professional, even though they are not professionals in this field.

Mr. Biasini said the following (condensed and paraphrased).

- There was an option to generate a residential outcome. However, he is opposed to that because, to do a reasonable residential development, the solution would be high density or apartments and that is not a good outcome.
- Neighbors have expressed a number of concerns about impacts on property values. However, there is no data, only opinions. He gave an example of “the swimming pool argument” saying that when you want to sell, half of the buyers walk away if you have a swimming pool. However, the half that wants a pool is not looking at houses without pools.



- There can be advantages to commercial development.
- The General Plan is current. Much effort and time was put into it. The Commission should follow it.
- The proposal provides general stipulations to remove the worst concerns. The specifics will come later in the process.
- The mechanism is in place for a good development.
- The Commission has a responsibility to the community as a whole. The community weighted in through the General Plan process. The Commission owes it to the community to follow the General Plan.

Vice Chairperson Fisher questioned that there was no transitional zoning. Mr. Biasini said that there is a buffer and combined or mixed uses are acceptable in C-2 zoning. He reiterated that Mr. Green is asking the community to follow the General Plan.

Vice Chairperson Fisher said that what the neighbors are asking for is a buffer zone. Mr. Biasini acknowledged that there is no buffer zoning.

Commissioner Kiyler asked what Performance Commercial means and said that the General Plan is a plan and plans change. Mr. Owen explained that the General Plan calls for Planned Commercial/Industrial (PCI) use in this area. He read the definition of PCI from the General Plan and noted that other areas are called PCI. Commissioner Kiyler said that C-2 is not in the General Plan. Mr. Biasini said that this is a semantic discussion. He said that there is no zone called PCI. The zoning that most closely matches PCI is C-2.

Commissioner Kiland asked what came out of the March 16 meeting that would help the Commission to decide. Mr. Biasini talked about that meeting. He said the following (condensed and paraphrased).

- Staff planned to have a roundtable sketching session.
- What happened was that concerns of the neighborhood were reiterated and no common ground was found.
- The developer, Mr. Green, is a developer and not a builder. He does not have detailed plans of roads and buildings. He is going through the process of following the General Plan and obtaining zoning and the specific plans would come later.

Chairperson Gillespie invited comments from the public. No one spoke in favor of the project.

Bob Gillies was the first to speak in opposition to the proposal. He reiterated that it is difficult to attend all of these meetings. He said the following (condensed and paraphrased).

- The community plan does not say that we need to do this.
- Such a dramatic change should be discussed in the General Plan and it is not there.
- The purpose of zoning is to protect what is already there and to grow in a compatible manner.



- Changing R1L35 to AR-20 or AR-43 would be a good fit.
- Feels for the neighbors who have established their lives in this area based on a neighborhood and this change threatens the neighborhood.
- There are too many steps in the process and the neighborhood will have to become professional meeting goers. It is a burden on them.

Mr. Don Heronemus said that Mr. Gillies had covered the subject.

Diva Dennisov spoke next. Her comments (condensed and paraphrased) were as follows.

- Third meeting she has come to.
- There is noise with development.
- Many issues regarding quality of life.
- Would the Commission members want this in their back yards?
- Higher density residential development would be OK.
- Asked Commission to consider her back yard as though it was theirs.
- Please decline the request.

Chairperson Gillespie asked her if she was saying that she would prefer high density, or apartments, or two story houses. Ms. Dennisov said that she means single-family, only and two-story houses would be OK.

Ricci Vergara spoke about landscaping requirements dropping from 31 percent to 29 percent and questioned the size of a 24 inch box tree. Other comments she made were (condensed and paraphrased).

- Will negatively affect property values.
- Does not like asphalt, neon lights, or the smell of commercial.
- The buffer is not much of a transitional zone.
- Do not know who the users will be or their hours of business.
- Does not like the number of meetings she has to attend.
- Development will create a security issue.
- The development does not have to be residential; it could be light commercial, but not heavy industrial like the proposal.

Randy East said the following (condensed and paraphrased).

- There will be more meetings and more stipulations.
- What about the traffic and no streets and roads?
- There should be a better buffer, even if apartments were built.

Roy Hess made the following points.

- Saw a commercial realtor looking at the property right before the zoning change request and wondered if there actually is a buyer.
- Concerned about privacy, views, and property values.
- The zoning change would be OK if it does not affect the above.

Marsha East said the following (condensed and paraphrased).

- This will affect all of us.
- Not fair to ask you, or us, to agree with a plan that is not concrete.

- Don't know what they will ask next.
- Mr. Biasini would not want this in his backyard.
- It would impact property values and lifestyles.

Chairperson Gillespie closed the floor to the public. The Commission members' discussion was as follows (condensed and paraphrased).

Commissioner Mazzuchelli asked for confirmation that there is no specific user for this site. Mr. Biasini said that, to his knowledge, that is still true.

Chairperson Gillespie asked if the owner agrees with the original 23 stipulations plus the one that was just added. Mr. Biasini said the he does. Chairperson Gillespie asked Mr. Owen if the number of stipulations actually worked the C-2 zoning around to C-1. Mr. Owen talked about the stipulations placing emphasis on stipulation 22 which he said prohibits C-2 uses that would be the most objectionable to nearby residences. He said that the intent is to minimize outdoor uses that are allowed in C-2 and, therefore, the stipulations do bring the allowed uses closer to those in the C-1 zoning.

Commissioner Mazzuchelli asked if stipulation 22 was the same as conditional rezoning. Mr. Owen said that it allows it by private deed restriction. Commissioner Mazzuchelli asked if the Commission could approve zoning based on a future event. Mr. Owen replied in the affirmative.

Commissioner Mazzuchelli explored the possibility for the rezoning to not become effective until Mr. Green comes back with more details. Mr. Owen said that if Commissioner Mazzuchelli was talking about the rezoning not taking effect until the first site plan review, that would be possible.

Chairperson Gillespie said that there could also be a stipulation that the rezoning would lapse if it were not used within a certain period of time. He assured Ms. East that these conditions could not be changed. There was further discussion about whether or not the rezoning would be guaranteed. Commissioner members assured the audience that an approval of conditional rezoning would not be a guarantee or blanket approval. It would give the applicant an opportunity to explore options for the property.

Mr. Biasini addressed the complaints about numerous meetings saying that, regardless of the outcome at this meeting, there would be more meetings, and there is no way out of that.

**Commissioner Mazzuchelli moved to approve Z 04-51 with the following stipulations:**

- 1. That each and every proposed site plan be reviewed and approved by the Planning and Zoning Commission at a public meeting prior to any site work.**
- 2. That each and every site plan be approved by the Design Review Board at a public meeting prior to any site work.**

3. That any outdoor storage is screened with a split face block wall designed to complement the building's exterior.
4. That river rock walls and accents be incorporated into sign bases and building facades as approved by the Development Review Board.
5. That no less than 25% of the total site be landscaped.
6. That no building, parapet wall, roof or mechanical equipment, street light or other structure exceed the height of 3386 feet above sea level.
7. That the "buffer" area between the existing residences and future development consist only of screen walls and landscaping on a graded slope at the width designated on the Biasini/Bryar plan dated 3/17/05 or greater.
8. That the developer coordinate with Cottonwood Water Works/City of Cottonwood, Arizona Department of Water Resources, Arizona Department of Environmental Quality and the City of Cottonwood Fire Department in regard to necessary improvements to the water system.
9. That 24 inch box trees be established along the area of the residential buffer after consultation with the adjoining property owners. The trees should be moderate to fast growing and irrigated in accordance with City standards. Heavy duty poly trees wells will be required as needed on the slope area to ensure establishment of the trees. All dead plant material must be replaced in accordance with the Zoning Ordinance requirement. Any unused street right of way along Silverado must also be landscaped.
10. That the development extend and connect to City sewer.
11. That roofs be non-reflective in color and material. Any skylights should be designed to prevent light spill at night.
12. That a 6-foot high block wall be provided along the south and west property line unless the Design Review Board approves a higher or lower wall height at the request of each adjoining property owner.
13. That the development meets the requirements of the City Code, the Zoning Ordinance as well as Building, Public Works and Fire Department requirements.
14. That the City lighting ordinance be met and that the Design Review Board take particular care to minimize any off-site lighting and noise concerns as part of the individual site plan review.
15. That the developer submit a detailed paving, grading and drainage plan and drainage report prepared by a Professional Engineer, with detention calculations as required per City Ordinance No. 172.
16. Plan review and off-site inspection fees will be charged to each project, per City Ordinance No. 362.
17. That all required rights of way and utility easements be recorded, and drainage easements be established for the channels as may be required by the City prior to site development. The drainage easements must stipulate that the underground drainage structures are the maintenance responsibility of the property owner(s).
18. That additional requirements may be imposed as part of the Planning and Zoning Commission's site plan review and the Design Review Board's design review process, as may be determined by the Planning and Zoning Commission and the Design Review Board.

19. That following completion of preliminary grading of the entire site, the walls and landscaping along the south and west sides of the site be completed before any other site improvements.
20. That any disturbed areas of the site be covered with two inches of gravel or granite to minimize dust following site grading.
21. That a subdivision plat be submitted and recorded in accordance with State statute prior to the creation of the fourth lot, tract or parcel on the property.
22. That the rezoning not take effect until the applicant record a deed restriction prohibit the following uses on the property: second hand stores; mobile home parks and mobile home and agricultural equipment sales; outdoor commercial recreation including drive-in theatres; gas stations; lumber yards; outdoor kennels as part of a veterinary clinic; outdoor auto repair; and adult uses.
23. That the Design Review Board meetings held in conjunction with this site be conducted during evening hours.
24. That this rezoning be conditional until such time as the first complete site plan is presented, reviewed and approved by the Planning and Zoning Commission and City Council.

**Commissioner Kevin seconded the motion. The motion carried four to two with Vice Chairperson Fisher and Commissioner Kiyler dissenting.**

Vice Chairperson Fisher said that he hopes that through the future meetings a better transition will be worked out. He said that he feels sorry for the people who will be called back to meetings for each proposal. He said that this is an open bag and he wants a concrete situation. He said that he had wanted more transition between the commercial and the residential.

Commissioner Kiyler said that there are too many blanks and he does not feel that we have been told everything.

Item #7 - PCU 05-009 Consideration of new Conditional Use Permit for an automotive service facility and outdoor storage in a "C-1" (Light Commercial) zone. The parcel is located at 1151 E 89A. APN 406-05-036P.

Mr. Gehlert presented the staff memo.

**This item was tabled by the Commission on February 28, 2005, because the applicant had not yet received the staff memo (it was returned to us in the mail the day of the hearing).**

This is a request for a new Conditional Use Permit for an auto service facility located on a ¾-acre parcel in a C-1 (light commercial) zone, along the south side of East 89A, just east of the 10<sup>th</sup> Street intersection. Areas to the north, east and west are also zoned C-1. Areas to the south are zoned AR-43 (agricultural / residential). The southernmost 10-11 feet of this property is also zoned AR-43.

A Conditional Use Permit for an auto service facility was first approved for this property as PCU 255 in 1995 for Southwest Transmission. A Certificate of

Occupancy was issued for the facility in 1996. The facility includes a 4,725 sq.ft. service garage and office; associated parking area; and a screened outdoor storage area of 4,761 sq.ft. Review of the CUP was tabled in 1996, 1998 and in 2003 at the request of the prior owner to allow him time to acquire additional property at the rear of the site to expand (and screen) the outdoor storage area. The following is a summary of issues:

- **Landscaping / Residential buffering:** The front of the property is immaculate and features an abundance of landscaping. The outdoor storage area at the rear is screened with a slatted chain link fence and shrubs. Staff considers this an adequate buffer provided the gravel area at the rear is not used for storage of vehicles or other commercial uses. The applicant has agreed to this restriction. Any future use of this area will require a new conditional use permit or rezoning at which time the screening issue will have to be addressed again.
- **Need for a shared access agreement:** The facility shares access along SR 89A with Allan's Used Cars. The current owner has provided a copy of the shared access agreement.
- **Lighting:** The "wall pack style" light fixtures on the building were allowed when the building was constructed in 1995. The lighting ordinance adopted in late 1999 required fully shielded fixtures. As a new conditional use permit, the lighting code requires that the site meet current standards. Staff believes that shield inserts can be installed in the existing fixtures inexpensively.

#### **RECOMMENDATION:**

The applicant recently purchased the property which has been developed for many years as an auto service facility. Prior concern about unscreened outdoor storage at the rear of this site does not appear to be an issue now. Staff recommends approval of this request on a permanent basis subject to:

1. That the wall pack lighting fixtures be modified or replaced to meet code requirements.
2. That any commercial use of the rear of the site (outside the screened storage yard) will require a new use permit or rezoning
3. That the site continue to comply with all provisions of the City code.

Chairperson Gillespie referenced stipulation 2 and asked if the area outside the fence barrier will stay as it is. Mr. Gehlert confirmed that it would.

Mr. Owen said that the back 35 foot has been a stumbling block for granting permanency to the conditional use permit. He explained that it has cycled around many times because previous owners were unsure about how they wanted to proceed. Mr. Owen said that the current owner is not interested in that piece of property and is willing to live with the stipulations. Mr. Owen said that staff believes the permit can be made permanent with the stipulations in the staff memo.

Chairperson Gillespie asked about rezoning that strip. Mr. Owen said that it would mean more neighborhood meetings.

Commissioner Mazzuchelli inquired about the cars that are in the photo looking towards the east. Chairperson Gillespie said that those belong to the other owner. Commissioner Mazzuchelli asked if the cars are in the wrong place. Mr. Gehlert said that they are probably on the residential side. Chairperson Gillespie noted that they could be cited.

Brian Heitzman, the applicant, said that the flags are there to stop traffic from coming through the property.

Chairperson Gillespie asked Mr. Heitzman if he is comfortable with stipulations and he said that he is.

No one responded to Chairperson Gillespie's invitation to speak for or against the project and he closed the floor to the public.

There was no further discussion among the Commission members.

**Vice Chairperson Fisher moved to approve PCU 05-009 with staff recommended stipulations. Commissioner Kiyler seconded the motion and it carried unanimously.**

Item #8 - Informational Reports and Updates.

Mr. Owen reported the following.

- The Community Development Department is recruiting for a planner and a secretary.
- Lowes was at Code Review last week.
- Aspen Ridge is progressing and they have installed a nice pedestrian bridge.
- We will discuss holding night meetings at the Design Review Board meeting on Thursday.
- Colin is working on the CDBG Housing Rehab project and trying to get the Senior Citizens Center back on track.
- He explained the Town Haul activity and said that there would be a decision made next week. If Cottonwood is chosen, the filming will be in April.

Several Commission members complimented the Building Official on the construction update report and expressed appreciation for the information.

Commissioner Kevin reported that a woman from Sunset Magazine contacted the Chamber of Commerce and he is curious what it was about.

Commissioner Kiland was congratulated for receiving the second most votes in the City Council election.

Vice Chairperson Fisher mentioned that stagnant water site inspection in the zoning violation report and asked if that is a problem and potential for West Nile virus. Mr. Owen said that it is a legitimate question.

Item #9 - Call to the Public.

Mr. Owen introduced Barbara Dupont to the Commission and invited her to tell them a little about herself. She provided some of her professional history and talked about being an officer in a small homeowners association. She said that enforcement of stipulations placed on development falls to the association and that could be a burden for small ones. She said that needs to be considered when developers say, "That will be up to the homeowners association". She said that twenty foot street widths with no parking could be problematic for homeowners associations to enforce.

Item #10 - Adjournment.

Chairperson Gillespie adjourned the meeting at 8:10 PM.

# City of Cottonwood Meeting Sign-In Sheet

## PLANNING & ZONING COMMISSION PUBLIC HEARING

CITY COUNCIL CHAMBERS MARCH 21, 2005 6:00 P.M.

**Please Print Legibly**

NAME	ADDRESS	CITY	ZIP	PHONE	EMAIL ADDRESS
1. Dan Heronemus	1431 Graybar	Cottonwood	86326	649-6753	
2. Steve Patten	1013 E. MINARD	Cottonwood	86326	634-9564	
3. Gail Basham	1802 Starview	Cottonwood	86326	646-6239	
4. Gari Basham	" "	" "	" "	" "	
5. Rieci Ferguson	1487 Gray Bar	Dellwood	86326	646-0357	
6. Vince & Joyce Henth	1541 Empire	Cottonwood	86326	646-5036	
7. Janet Byfield	1841 Donner Trl	Cottonwood	86326	646-7385	
8. Bob Gillies	1755 E. Cypress	Cottonwood	86326	634-7480	
9. Ben Gillies	1500 Donner Trail	Cottonwood	86326	646-0311	
10. Roy Hess	1530 Destiny Ln	Cottonwood	86326	646-9671	
11. Clair Rasmussen	1445 Greysbar	" "	" "	639-1808	
12. Daniel A. Frackenbury	1454 Gray Bar	" "	" "	646-3410	
13. MITZI CONNIT	1840 DONNER TRL	" "	" "	646-0292	
14. KAY WOODS	1473 GRAYBAR DR.	COTTONWOOD	86326	646-5989	
15. RANDY & MARSHA EAST	PO Box 2194 1727 DESTINY LANE	COTTONWOOD	86326	646-5360	

Approved



## ORDINANCE NUMBER 463

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND LOCATED WEST OF THE INTERSECTION OF RODEO AND SILVERADO DRIVES, PARCEL NUMBER 406-12-042B, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF R1L-35 (RESIDENTIAL, 35,000 SQUARE FOOT MINIMUM LOT) TO C-2 (HEAVY COMMERCIAL).

WHEREAS, the Planning & Zoning Commission held public hearings on February 28 and March 21, 2005, concerning the rezoning of the Silverado property and has recommended approval of this request as presented to the City Council, and the requirements of A.R.S. § 9-462.04 have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

**Section 1:** That the following described parcel of land lying within the City of Cottonwood, Yavapai County, Arizona, shall be and is hereby reclassified from R1L-35 (Residential, 35,000 square foot minimum lot) to C-2 (Heavy Commercial):

A parcel of land located in the NW 1/4 of Section 11, T15N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NW corner of said Section 11; thence S00°31'21"E, along an east line of VERDE VILLAGE UNIT 6, recorded in Book 15 Maps and Plats, Page 39, Yavapai County Records, a distance of 1297.58 feet; thence N89°43'53"E, along a north line of said VERDE VILLAGE UNIT 6, a distance of 1319.81 feet; thence S00°20'48"E, along an east line of said VERDE VILLAGE UNIT 6, a distance of 20.00 feet to the TRUE POINT OF BEGINNING; thence N89°51'02"E, along a south line of the parcel of land described in Book 4086, Page 538 Official Records of Yavapai County, a distance of 353.02 feet; thence S38°36'15"E, along a south line of said parcel, a distance of 66.35 feet; thence S02°01'35"E, along the west line of the parcel of land described in Book 2866, Page 43 Official Records of Yavapai County, a distance of 55.69 feet; thence S66°35'48"E, along a north line of the parcel of land described in Book 4086, Page 539 Official Records of Yavapai County, a distance of 179.31 feet; thence S82°03'59"E, along a north line of last said parcel, a distance of 23.31 feet; thence N42°43'58"E, along a north line of last said parcel, a distance of 34.65 feet; thence S28°54'30"E, a distance of 96.71 feet; thence S48°50'59"W, a distance of 55.12 feet; thence S41°09'01"E, a distance of 50.00 feet; thence N48°50'59"E, a distance of 13.57 feet; thence S28°54'30"E, a distance of

ORDINANCE NUMBER 463

Page 2

509.12 feet; thence S89°44'17"W, along a north line of said VERDE VILLAGE UNIT 6, a distance of 897.47 feet; thence N00°20'48"W, along an east line of said VERDE VILLAGE UNIT 6, a distance of 755.03 feet to the TRUE POINT OF BEGINNING.

And a parcel of land located in the NW 1/4 of Section 11, T15N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NW corner of said Section 11; thence N89° 43' 08" E, along the north line of said NW 1/4, a distance of 1990.17 feet to the NE corner of the W 1/2 NE 1/4 NW 1/4; thence S00°26' 47"E, a distance of 1299.73 feet to a 5/8" smooth pin marking the SE corner of said W 1/2 NE 1/4 NW 1/4; thence continuing S00°26'47"E, along the east line of the parcel described in Book 2866, Page 43, Official Records of Yavapai County, Arizona, a distance of 110.00 feet to the TRUE POINT OF BEGINNING; thence continuing S00°26'47"E, along said east line; a distance of 120.00 feet to a 1/2" rebar with cap marked "LS #19853"; thence N82°03'50"W, along a south line of said parcel, a distance of 114.92 feet to a 1/2" rebar with cap marked "LS #19853"; thence N66°35'39"W, along a southerly line of said parcel, a distance of 174.21 feet to a 1/2" rebar with cap marked "LS #19853"; thence N02°01'26"W, along the west line of said parcel, a distance of 16.61 feet; thence S66°35'39"E a distance of 179.31 feet; thence S82°03'50"E, a distance of 23.31 feet; thence N42°44'07"E, a distance of 126.31 feet to the TRUE POINT OF BEGINNING.

**Section 2:** That the Planning and Zoning Commission and City Council have determined the following items necessary as conditions of the zoning approval to protect the public health, safety and general welfare:

1. That each and every proposed site plan be reviewed and approved by the Planning and Zoning Commission at a public meeting prior to any site work.
2. That each and every site plan be approved by the Design Review Board at a public meeting prior to any site work.
3. That any outdoor storage is screened with a split face block wall designed to complement the building's exterior.
4. That river rock walls and accents be incorporated into sign bases and building facades as approved by the Development Review Board.
5. That no less than 25% of the total site be landscaped.
6. That no building, parapet wall, roof or mechanical equipment, street light or other structure exceed the height of 3386 feet above sea level.
7. That the "buffer" area between the existing residences and future development consist only of screen walls and landscaping on a graded slope at the width designated on the Biasini/Bryar plan dated 3/17/05 or greater.
8. That the developer coordinate with Cottonwood Water Works/City of



ORDINANCE NUMBER 463

Page 3

Cottonwood, Arizona Department of Water Resources, Arizona Department of Environmental Quality and the City of Cottonwood Fire Department in regard to necessary improvements to the water system.

9. That 24-inch box trees be established along the area of the residential buffer after consultation with the adjoining property owners. The trees should be moderate to fast growing and irrigated in accordance with City standards. Heavy-duty poly tree wells will be required as needed on the slope area to ensure establishment of the trees. All dead plant material must be replaced in accordance with the Zoning Ordinance requirement. Any unused street right of way along Silverado must also be landscaped.
10. That the development extend and connect to City sewer.
11. That roofs be non-reflective in color and material. Any skylights should be designed to prevent light spill at night.
12. That a 6-foot high block wall be provided along the south and west property line unless the Design Review Board approves a higher or lower wall height at the request of each adjoining property owner.
13. That the development meets the requirements of the City Code, the Zoning Ordinance as well as Building, Public Works and Fire Department requirements.
14. That the City lighting ordinance be met and that the Design Review Board take particular care to minimize any off-site lighting and noise concerns as part of the individual site plan review.
15. That the developer submit a detailed paving, grading and drainage plan and drainage report prepared by a Professional Engineer, with detention calculations as required per City Ordinance No. 172.
16. Plan review and off-site inspection fees will be charged to each project, per City Ordinance No. 362.
17. That all required rights of way and utility easements be recorded, and drainage easements be established for the channels as may be required by the City prior to site development. The drainage easements must stipulate that the underground drainage structures are the maintenance responsibility of the property owner(s).
18. That additional requirements may be imposed as part of the Planning and Zoning Commission's site plan review and the Design Review Board's design review process, as may be determined by the Planning and Zoning Commission and the Design Review Board.
19. That following completion of preliminary grading of the entire site, the walls and landscaping along the south and west sides of the site be completed before any other site improvements.
20. That any disturbed areas of the site be covered with two inches of gravel or granite to minimize dust following site grading.
21. That a subdivision plat be submitted and recorded in accordance with State statute prior to the creation of the fourth lot, tract or parcel on the property.
22. That the rezoning not take effect until the applicant record a deed restriction prohibiting the following uses on the property: second hand stores; mobile home parks and mobile home and agricultural equipment sales; outdoor commercial recreation including drive-in theatres; gas stations; lumber yards; outdoor kennels

ORDINANCE NUMBER 463

Page 4

- as part of a veterinary clinic; outdoor auto repair; and adult uses.
23. That the Design Review Board meetings held in conjunction with this site be conducted during evening hours.
24. That this rezoning be conditional until such time as the first complete site plan is presented, reviewed and approved by the Planning and Zoning Commission and City Council.

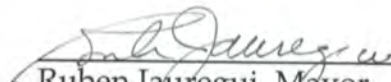
**Section 3:** The zoning map shall be amended to reflect this zone change only upon compliance with all zoning conditions set forth herein.

**Section 4:** That at least three (3) copies of the zoning map of the City of Cottonwood, Arizona, as hereby amended be kept in the office of the City Clerk for public use and inspection.


**Section 5:** Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not effect the validity of the remaining portions thereof.

**Section 6:** Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One misdemeanor. Each day that violation continues shall be a separate offense punishable as herein above.


PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 3RD DAY OF MAY 2005.

  
\_\_\_\_\_  
Ruben Jauregui, Mayor

ATTEST:

  
\_\_\_\_\_  
Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Brandon J. Kavanagh, Esq.  
Magnum, Wall, Stoops & Warden, P.L.L.C.  
City Attorneys

Publish: The Verde Independent: May 8 & 15, 2005.



**CUP 21-008, DR 21-012  
SILVERADO LOFTS**





## Silverado Lofts

Joint Council and Planning and Zoning Meeting

3/8/2022



Charity Lee  
Miramonte Homes



Art Beckwith  
Shepherd Wesnitzer, Inc.

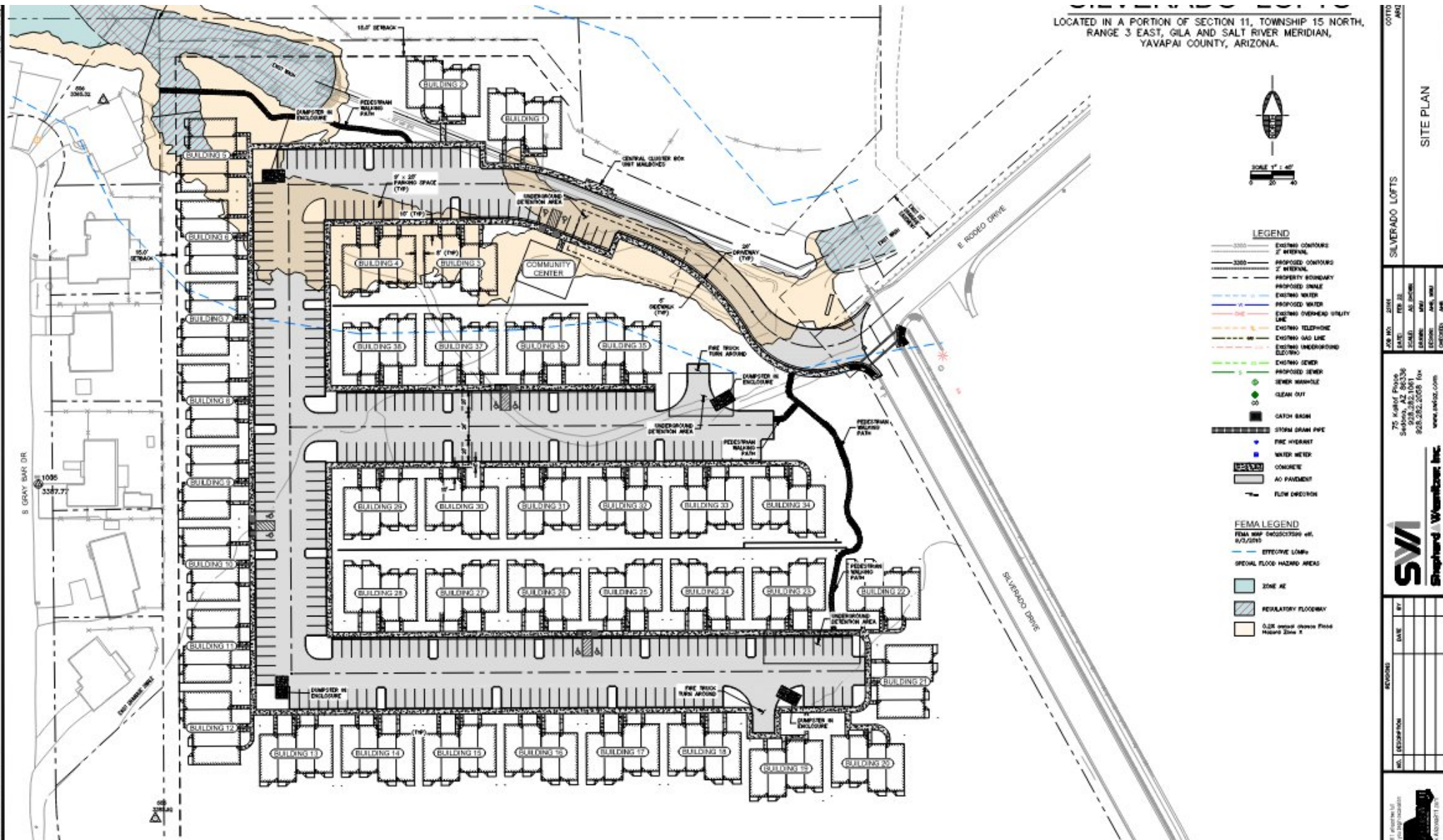


Whitney Cunningham  
Aspey, Watkins & Diesel, PLLC

## PURPOSE

- Seek support from Council and P&Z to submit an application to rezone 11.63 acres from C-2 Heavy Commercial to Planned Area Development.
- Bring 152 residential rental units to the market.
- Address the Housing Crisis in Cottonwood and the Verde Valley.











# ARCHITECTURAL DESIGN

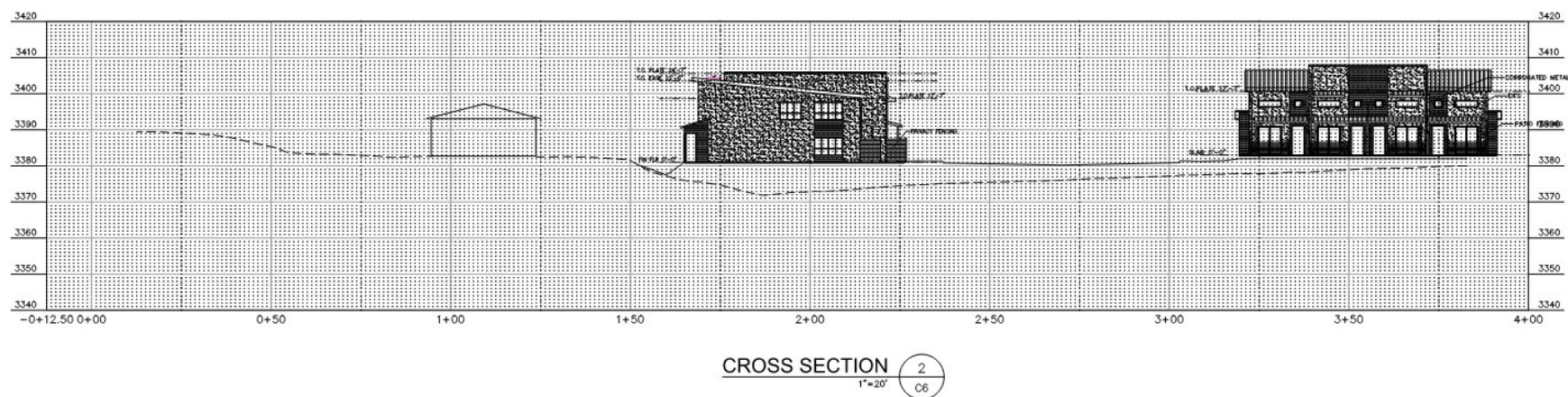
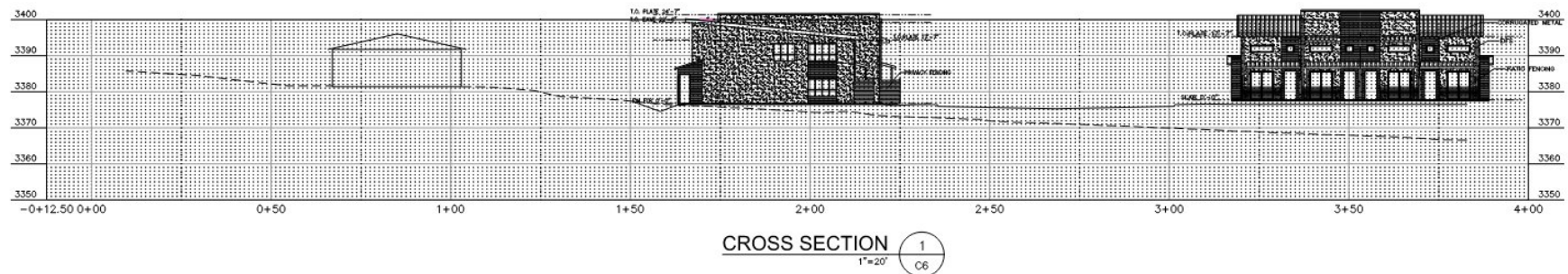




# ARCHITECTURAL DESIGN









## East Eye Level View





## North Eye Level View from S. Destry Lane





## Planned Area Development

- Approve a new Ordinance rezoning the property to a Planned Area Development (PAD).
- The PAD Zoning shall follow the development standards in Section 415. " R3 " Multi-Family Residential, and all other applicable Zoning Codes required for development approval, City of Cottonwood Engineering Standards and Building Codes.
- Height 2 ½ stories, but not to exceed 35 Ft. except under a Conditional Use Permit.



Questions/Comments